

Chapter 18

BUILDINGS AND BUILDING REGULATIONS

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ARTICLE I. IN GENERAL

Sec. 18-1. Applicability of building regulations in extraterritorial jurisdiction.

- (a) Pursuant to V.T.C.A., Local Government Code §212.003, as amended, the ordinances of the City providing for the adoption of the building codes, electrical codes, fire codes, and plumbing codes are hereby extended and made applicable in the extraterritorial jurisdiction of the City.
- (b) All persons are prohibited from doing any building or structural work, together with necessary electrical, plumbing, and fire safety work, on any structures in the extraterritorial jurisdiction of the City without first getting the proper building permits therefor, paying the required fees, and making such construction work in accord with said codes.
- (c) Violations of this Section shall result in the City seeking civil injunctive relief in District Court to enjoin such violations.

(Ord. No. 83, §§1--3, 11-5-1992; Ord. No. 402, §2, 5-14-2009; Ord. No. 503 A, 4-25-2013)

Sec. 18-2. Building permits.

- (a) *Permit required.* Building permits required to be issued, pursuant to Section 18-12 International Building Code Adopted, by the Development Services Department shall first make application to the Development Services Department and obtain the required permit. All approved building permits shall be posted conspicuously on the building site.
- (b) *Action on application.* The Development Services Department shall examine and approve, approve with conditions, or disapprove all applications for building permits within thirty (30) business days. Such applications may be reviewed by other Municipal Departments to verify compliance with any and all applicable laws and ordinances under that Department's jurisdiction. If the building permit application and associated construction documents do not conform to the requirements of this Chapter or other applicable laws and ordinances, the Development Services Department shall reject such application in writing, stating the reasons for the rejection. If the Development Services Department is satisfied that the proposed work conforms to the requirements of this Chapter and other applicable laws and ordinances, the Development Services Department shall issue, upon receipt of the building permit fee prescribed by the City of Helotes Schedule of Fees, as amended, a building permit for the work as soon as practicable.
- (c) *Time limitation of application.* An application for a building permit that has been approved, approved with conditions, or disapproved by the Development Services Department shall be deemed to have been abandoned one hundred eighty (180) days after the date of building permit disposition and the continued non-payment of the building permit fee. The Development Services Department may grant a one-time, one-hundred eighty (180) day extension to an application.
- (d) *Time limitation of permit.* Every issued building permit shall become invalid on the 271st day after the date the building permit is issued by the Development Services Department.
- (e) *Permit extension.* The Development Services Department is authorized to grant, in writing, a one-time building permit time extension for a period not to exceed ninety (90) days, provided that the extension is requested by the property owner in writing prior to the building permit expiration date and justifiable cause for said extension is demonstrated.

- (f) *Suspension or revocation.* The Development Services Department, acting under the direction of the City Administrator, is authorized to suspend or revoke a building permit issued under the provisions of this Chapter whenever the building permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance, regulation, or any other provision of this Chapter.
- (g) *Validity of permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter or of any other regulations of the City. Permits presuming to give authority to violate or cancel the provisions of this Chapter or other ordinances of the City shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Development Services Department, acting under the direction of the City Administrator, from requiring the correction of errors in the construction documents and other data. The Development Services Department, acting under the direction of the City Administrator, is also authorized to prevent occupancy or use of a structure where such occupancy or use is in violation of this Chapter or of any other ordinances of the City.

(Ord. No. 501, §1, 03-14-2013)

Secs. 18-3 - 18-10. Reserved.

ARTICLE II. TECHNICAL CODES

Sec. 18-11. International Residential Code adopted.

- (a) That certain document, a copy of which is on file in the Development Services Office of the City, being marked and designated as the International Residential Code, including all appendices, standards, supplements, and errata, as published by the International Code Council, is hereby adopted as the Code of the City for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, additions to, use, or maintenance of one- and two-family dwellings in the City and providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions, and terms of such International Residential Code, 2006 edition, published by the International Code Council, on file in the office of the City, are hereby referred to, adopted, and made a part hereof as if fully set out in this Section.

- (b) The following Sections of the International Residential Code are hereby revised:

101.1. Title. These regulations shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Helotes, hereinafter referred to as "this Code."

Violation penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00. Each day a violation continues after due notice has been served shall be deemed a separate offense.

Failure to comply. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove

a violation or unsafe condition, shall be liable for a fine of not less than \$100.00 and not more than \$500.00.

301.2. Climatic and geographic design criteria. Buildings shall be constructed in accordance with the provisions of this Code as limited by the provisions of this Section. Additional criteria shall be established, as determined by a licensed professional engineer, who is licensed to practice engineering in the State of Texas using good engineering practices.

(Ord. No. 185, §§1, 2, 12-6-2001; Ord. No. 402, §2, 5-14-2009; Ord. No. 466, §1, 04-12-2012)

Sec. 18-12. International Building Code adopted.

- (a) That certain document, a copy of which is on file in the Development Services Office of the City, being marked and designated as the International Building Code, including all appendices, standards, supplements, and errata, as published by the International Code Council, is hereby adopted as the International Building Code of the City for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of said International Building Code, 2006 edition, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions, and changes, if any, prescribed in Subsection (b) of this Section.

- (b) The following sections are hereby revised:

101.1 Title. These regulations shall be known as the International Building Code of the City of Helotes, hereinafter referred to as the “Code.”

108.2 Schedule of Permit Fees. On buildings, structures, demolitions, or alterations requiring a building permit, a fee for each building permit shall be paid as prescribed in the most recent adopted fee schedule passed and approved by the City Council. Approved building permits and the payment of the aforementioned fee(s) include the following Building Official inspections:

Temporary Meter Loop (TML)
Plumbing Rough-In
Foundation
Frame
Insulation
Temporary on Permanent Set (TOPS)
Sewer
Water
Driveway and Driveway Approach
Final

Reinspection fees, if required, are not included as a component of the building permit or associated fee(s), and, consequently, will be billed separately by the City as prescribed in the most recent adopted fee schedule passed and approved by the City Council.

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped, and maintained to conform to the requirements of this Code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

Agricultural buildings
Aircraft hangars, accessory to a one- or two-family residence (See Section 412.3)
Barns
Carports
Fences, more than 6 feet high
Grain silos, accessory to a residential occupancy
Greenhouses
Livestock shelters
Private garages
Retaining walls
Sheds
Stables
Tanks
Towers

312.2 Access Control Gate Systems. An electronic or manual access control gate and / or system, with or without connecting fencing and used for vehicular ingress / egress purposes, across the front property line of a parcel of land and abutting a public right-of-way shall be constructed a minimum of twenty feet (20') from the front property line.

1612.3 Establishment of flood hazard area. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard, as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Helotes," as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data including and all subsequent LOMARs along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

3409.2 Applicability. Structures existing prior to January 1, 2002, in which there is work involving additions, alterations, or changes of occupancy, shall be made to conform to the requirements of this Section or the provisions of 3402 through 3406.

Violation penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Failure to comply. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(Ord. No. 187, §§1, 2, 12-6-2001; Ord. No. 402, §2, 5-14-2009; Ord. No. 455, §2, 8-25-2011; Ord. No. 466, §1, 04-12-2012)

Sec. 18-13. International Property Maintenance Code adopted.

- (a) That certain document, a copy of which is on file in the Development Services Office of the City, being marked and designated as the International Property Maintenance Code (IPMC), as published by the International Code Council, is hereby adopted as the Code of the City for the control of building and structures as herein provided; and each and all of the regulations, provisions, conditions, and terms of such International Property Maintenance Code, 2006 edition (including appendices, standards, supplements and errata) are hereby referred to, adopted, and made a part hereof as if fully set out in this Section, with the additions, insertions, deletions, and changes, if any, in subsection (b) of this Section. Existing ordinances which are more stringent than the IPMC will remain in effect.

- (b) The following Sections are hereby revised:

101.1. Title. These regulations shall be known as the International Property Maintenance Code of the City of Helotes, hereinafter referred to as "this Code."

109.3. Violation penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the Building Code or Code Enforcement Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00. Each day a violation continues after due notice has been served shall be deemed a separate offense.

303.14. Insect screens. Every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any area where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved, tightly-fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

602.3. Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling units, rooming units, or dormitory or guest rooms on terms, either expressed or implied, shall furnish heat to the occupants thereof and maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

(Ord. No. 190, §§1, 2, 12-6-2001; Ord. No. 402, §2, 5-14-2009; Ord. No. 466, §1, 04-12-2012)

Sec. 18-14. National Electrical Code adopted.

There is hereby adopted the National Electrical Code, 2008 Edition, and all subsequent editions thereto and all electrical work and wiring in new construction or remodeling, additions, or repair of existing buildings must comply therewith.

(Ord. No. 033, §5, 9-6-1984; Ord. No. 402, §2, 5-14-2009; Ord. No. 461, §1, 12-8-2011; Ord. No. 466, §1, 04-12-2012)

(Historical Note: Ord. No. 466 adopted April 12, 2012 amended Sections 18-11 through 18-20.)

Secs. 18-15 - 18-30. Reserved.

ARTICLE III. ADDRESS NUMBERS

Sec. 18-31. Addressing authority; assignment of numbers.

- (a) City Public Service (CPS) Gas and Electric Utility of San Antonio, Texas, is designated as the addressing authority within the CPS service area (Bexar County) of the incorporated city limits.
- (b) City Public Service shall have assigned all new address numbers by the time the power pole is set for a new construction and revise any existing addresses as the need arises. This authority also includes assigning the address numbers for new streets, and assigning numbers for private roads or private roads that become public streets.

(Ord. No. 208, 8-8-2002)

Secs. 18-32 - 18-40. Reserved.

ARTICLE IV. DRIVEWAY CONSTRUCTION

Sec. 18-41. Permit required; issuance; site plan.

Any private individual, company or corporation desiring to construct or reconstruct driveways along any city street or road for the purpose of providing access across the city right-of-way for egress or ingress to their private property shall first obtain a permit from the city administrator or his designated representative. Such permit shall be granted hereafter only under the following conditions and specifications:

- (1) The permit must be obtained before any work is done across the city right-of-way. Application for said permit shall be accompanied by a development/construction plan (two copies) as hereinafter described.
- (2) No permit shall be issued by the administrator or his designated representative until the city engineer has approved the site development plan.
- (3) The site development plan submitted in duplicate, along with the permit request, shall be drawn to scale, and shall indicate:
 - a. Dimensions and locations of the driveway being requested;
 - b. Locations of existing and/or proposed roads or roadway intersections if within 100 feet of the site;
 - c. Locations of existing or proposed buildings, structures, storm drains, fire hydrants, utility poles, fences and service fixtures;
 - d. Radius dimensions;
 - e. Driveway separation; and
 - f. Name and telephone number of the responsible party.

If the site development plan is a part of a new building construction plan requiring a building permit, the building permit is a prerequisite to the issuance of the driveway access permit.

(Ord. No. 105, 5-8-1997)

Sec. 18-42. Placement of asphalt or gravel driveways.

For the placement of asphalt or gravel driveways refer to the Summary of Driveway Regulations attached to this chapter as Appendix A. (Ord. No. 105, 5-8-1997)

Sec. 18-43. Supervision of work by city.

Notice shall be given to the city administrator's office before any concrete is laid. In no case shall a driveway be poured without the presence of a representative of the city, unless authorized by the city engineer or his designated representative. (Ord. No. 105, 5-8-1997)

Sec. 18-44. Right of city to demand removal or relocation.

This permit is given subject to the right of the city council, when said council deems it necessary, to demand removal and/or relocation of any installed driveway in, along or across any city right-of-way in the city within 30 days of notice of such demand. (Ord. No. 105, 5-8-1997)

Sec. 18-45. Construction specifications.

- (a) Placing of concrete driveways.
 - (1) The asphalt road or street shall be vertically cut with a concrete saw for the full length of the opening, so as to provide a straight vertical face. The new depth of the concrete at this interface shall be at least six inches. A lip shall be provided at the juncture of the driveway ramp with the roadway. This lip shall have the thickness of a 2" × 4" piece of lumber secured flush with the sawed edge of the roadway. (Nominal height of 1 1/2 inches.)
 - (2) The width of driveways and radii at curb returns as well as other criteria and standards are detailed for each condition or situation on the Summary of Driveway Regulations in Appendix A.
 - (3) Backfill shall be well tamped prior to placement of concrete driveway(s).
 - (4) Where a driveway ties to an existing sidewalk, reinforcing steel dowels (#4 × 2'0" bars spaced at 18 inches on center) shall be used with an expansion joint at the interface.
 - (5) Driveways shall be six inches minimum thickness at the interface with the roadway and for the ramp and may be reduced to a minimum of four inches at the property line.
 - (6) Driveways shall be reinforced with #3 bars or approved equal in both directions tied in a 12-inch grid and placed so as to be in the vertical center of the driveway after concrete is laid.
 - (7) Concrete for the driveway placement shall be minimum 2,500 psi in 28 days.
 - (8) Driveway sections shall have a broomed surface finish with troweled rounded edges and at all joints. Dummy joints will be provided at least every 20 feet for the full length and width of the driveway.
- (b) *Maintenance.* Each party placing a concrete access driveway across city right-of-way to that party's property shall be responsible for maintaining the replaced driveway.

(Ord. No. 105, 5-8-1997)

Secs. 18-46 - 18-50. Reserved.

ARTICLE V. HOURS OF CONSTRUCTION

Sec. 18-51. Title.

This article shall be known as the "Hours of Construction Activities Ordinance." (Ord. No. 302, §1, 3-23-2006)

Sec. 18-52. Definitions.

The following words, terms, and phrases when used in this article, shall have the meaning set forth in this section:

Construction means any site preparation (including blasting), assembly, erection, substantial repair, alteration, or similar action but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

Construction activity shall include, but not be limited to, the following:

- (1) It shall also include equipment or vehicles being started or idled, playing of radios, tape players or other devices, loud talking, unloading of equipment, tools, or supplies.

Demolition means any dismantling, intentional destruction or removal of structures, utilities, public or private rights-of-way surfaces, or similar property.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

Emergency work shall mean work required to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent exposure to danger, or work by private or public utilities to provide or restore immediately necessary utility service.

Heavy construction equipment shall mean earth-moving machines, tractors, bulldozers, backhoes, concrete mixing and pumping trucks, compactors/rollers, cranes, dump trucks, excavators, fork lifts, grades, jackhammers, loaders, pavement breakers, pile drivers, portable crushers, trailer-mounted woodchippers, trenchers, or other pieces of equipment that generate similar levels of noise.

Legal holiday shall mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Weekday means any day Monday through Friday, which is not a legal holiday.

Weekend means Saturday, Sunday and any legal holiday.

(Ord. No. 302, §2, 3-23-2006)

Sec. 18-53. Hours of construction activity.

- (a) It is unlawful to create a nuisance resulting from the construction, demolition, alteration or repair of any structure including excavation, or resulting from the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work requiring a building permit at any time.

- (b) No person shall operate any construction equipment nor conduct any construction activities, except during the following hours:
Weekdays: 7:00 a.m. to 7:00 p.m.
Saturdays: 8:00 a.m. to 8:00 p.m.
Sundays and legal holidays: 10:00 a.m. to 7:00 p.m.
- (c) It is also prohibited, prior to the authorized start time and after the required stop time, to cause noise associated with construction activities such as, but not limited to, noise attributed to workmen arriving to work (i.e.: loud talking, laughing or singing); vehicular noise; the playing of radios or other music; assembling, moving or stacking of construction materials; deliveries; or other site related construction noise.
- (d) The only exception to the hours of operation is for the pouring of concrete when the forecast temperature is greater than 35 degrees Celsius (95 degrees Fahrenheit). At such times concrete may be poured before 7:00 a.m.; however, all shuttering and other site preparations must be completed before the required stop time of the previous day.

(Ord. No. 302, §3, 3-23-2006)

Sec. 18-54. Exceptions.

The provisions of this article shall not apply to the following construction activity:

- (1) An emergency situation exists where the construction is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety.
- (2) The operation of equipment relating to essential services to the city and equipment operating during emergency conditions shall be exempted from section 18-53.
- (3) Emergency work for non-city related essential services shall be exempt from section 18-53.
- (4) Home improvements or repairs not requiring a city permit.
- (5) Construction activity is permitted for homeowner permits when the work is being performed by the owner of the property between the hours of 6:00 a.m. and 9:00 p.m. Mondays through Saturdays and 9:00 a.m. and 8:00 p.m. on Sundays or legal holidays
- (6) Routine maintenance or replacement of such items as water heaters, dishwasher units, and garbage disposals.
- (7) Activities confined within a wholly enclosed building or structure.
- (8) Activities necessary to prevent injury to persons or property.
- (9) Activities conducted by or for any government unit or agency.
- (10) Lawn care maintenance and landscaping.

(Ord. No. 302, §4, 3-23-2006)

Sec. 18-55. Penalty.

- (a) Any person who criminally negligently, recklessly, willfully, knowingly or, intentionally violates any provisions of this article shall be fined for each offence a sum of not less than \$50.00 and not more than \$2,000.00.

(b) Each day the violation of any provision of this article shall constitute a separate offense.

(Ord. No. 302, §5, 3-23-2006)

Appendix A. SUMMARY OF DRIVEWAY REGULATIONS

- a. Typical driveway.
- b. Section thru driveway.
- c. Details for concrete end treatment.
- d. Typical driveway without culvert section.
- e. C-C driveway section.
- f. Typical driveway details.

Chapters 19 - 21. Reserved.

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